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Book Review. Harrison, L. V., Police Administration in Boston

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BOOK REVIEWS


This study, the third to appear in the Harvard Law School Crime Survey, is a “diagnosis of needs of police administration in Boston.” It appears that the problem of policing Boston is less acute than elsewhere: the relatively small number of professional criminals, slight increase of foreign-born residents, the absence of a Negro problem, numerous welfare agencies and highly developed, protective work—these are the principal factors. “Disregarding possible differences in the efficiency of the police, which in Boston has probably not varied noticeably from year to year, the number of arrests for a given offense will bear a fairly constant ratio to the number of offenses committed during each year.” (p. 12) Thereupon the author asserts that assaults and public disturbances have decreased from 1855-1932; that arrests for larceny have declined, but that this “may not reflect a corresponding decrease in the amount of stealing”; that drunkenness has decreased from 1865-1915; and that the major offenses, on the whole, have decreased from 1870-1932. He concludes that “the police department deserves credit for keeping down crime rates and for bringing about some decrease in the proportion of more serious offenses to population.” (18) On the basis of the data adduced and the highly questionable assumptions made (some of the most important are not discussed), it is clear that the author has not demonstrated any degree of probability as to his assertions regarding crime rates; and the remainder of the book, describing the incompetence, lack of training and disorganization of the police, evidences that they had little if anything to do with any improvement that may have occurred—the indications pointing to obstruction rather than aid.

The major portion of the volume deals with police organization, their mechanical equipment, their selection, training, discipline and promotion, criminal investigation and special services including the work of women police, and vice control. The final chapter recommends the adoption of a metropolitan police system for Boston and the surrounding towns. Non-specialists in police administration will find here, in small compass, a body of descriptive matter that will familiarize them with data, generally but vaguely known. And Mr. Harrison has drawn upon his wide experience in the field to suggest numerous reforms.

But a diagnosis of the needs of police administration must cut across two distinct levels. It must seek to understand the organization and its functioning. It must discover or invent, and apply, standards and objectives as points of reference by which to gauge performance and to indicate needed reforms. Without any clear demarcation in his discussion, the author has dealt with both. But the two are run together, with the inevitable result that the monograph falls almost completely into the field of social welfare.

It seems to the reviewer that there are distinct gains to be achieved by persistent separation of the two levels of thought—so far as possible—until deliberate synthesis is undertaken. How, then, might one arrive at an understanding of police administration? What are the important problems? How shed light upon them? How discover reforms that are both necessary and feasible? We know that many crimes are committed; that relatively few criminals are apprehended; that a large proportion of these are acquitted. These facts set the core of the prob-
lems since the functions of police are to prevent crime, to detect and apprehend criminals, and to gather evidence of guilt.\footnote{One cannot pick up any book written by an English official, be he magistrate, detective or policeman, without noting the degree to which evidence-gathering has been inoculated into English police. What to them has become second nature, from C.I.D. to the simplest "Bobby," needs to be drilled into most of our police.}

The author's chief attack upon these problems is by way of personnel. While such emphasis may find ready acceptance, the program, both for research and reform, is so all-embracing as to cast doubt upon its effectiveness. By far the most frequent crimes in Boston are violations of traffic laws and drunkenness. Obviously, it does not require a Sherlock Holmes to see if a light is red or green, or to detect and capture a staggering drunk. But as regards detection of offenses by the Capones and Diamonds, not to speak of such intelligentsia as are found among jewel thieves, receivers, confidence men and bucket-shop operators, it is patently absurd to expect any marked success from uniformed ex-truck-drivers (the most frequent prior occupation of Boston police). Emphasis might well have been placed upon (1) recruiting a limited number (say 10% of the total force) of highly qualified and relatively much higher paid, detectives; and (2) specialization of function such as is found among lay protective agencies and, to some extent, in a few city forces—e.g., New York's.

One misses here as elsewhere in this study, any utilization of historical materials. The author gives half a page to "Origins." A special need for a history of the Boston police arises from the fact that apparently there is not available even one of those old-fashioned, intimate departmental narratives.\footnote{Cf. Costello, History of the Police Department of Jersey City (1891); Costello, Our Police Protectors—History of the New York Police (1885); Folsom, Our Police—A History of the Baltimore Force (1886).} Yet professionalization of police is so recent in this country as to be within the memory of persons alive today. To disregard the long centuries that preceded such professionalization is to mistake the tail for the entire body. The historical approach to the problems raised above is assuredly a very helpful one.

In formulating the sociological problem as regards detection, apprehension and evidence-gathering, one would consider such factors as mobility of population, urbanization, public opinion and cooperation, literacy, communication, the degree of economic development of the society, and political and social values that limit or extend police powers. Undoubtedly such factors and many similar ones affect police performance regardless of personnel. How much of continental police efficiency is due to their social, economic, and political conditions? What bearing has this upon the possibilities of immediate reform? What extent of reform, however minute, is disclosed as reasonably attainable here and now?

Much of so-called social science runs on the fringe of pleasant faith that paper reforms somehow necessarily become realized. But blocking out a paper-program is one thing. Changing a deeply rooted institution is quite another. Mr. Harrison points out that there are 39 towns clustered around Boston. The whole makes a compact metropolitan area. \textit{Ergo}: there should be a single metropolitan force. The question is debatable, but on the whole the argument is persuasive. The author's optimistic forecast, however, that there would be less "politics" in a larger organization (p. 165) seems entirely unwarranted.\footnote{Cf. Chicago Police Problems (1931) at 30.} More to the point is the remoteness of the possibility of adoption of the reform urged.
The suburbanites simply refuse to amalgamate. Unless one has faith in exhortation, despite repeated failures, then it becomes necessary to formulate narrower programs that promise greater manipulative power under existing conditions (e.g., a central telephone exchange; authorization of town police to arrest in adjoining towns). Such problems, in general, call for creative synthesis of the results of the most detailed legal, historical and sociological explorations, until, in the light of this knowledge, there are disclosed objectives that are reasonably attainable, and procedures necessary thereto.

Jerome Hall*


About the time Mr. Hall’s book came off the press, the American Law Institute adopted the report of an advisory committee on criminal justice, which recommended that the Institute undertake the task of formulating a comprehensive code of criminal law to serve as a model, so to speak, for the American Commonwealth. The reasons for that recommendation could with propriety have been quoted from Mr. Hall’s work, had it been available. His book is based on the realization that “the present substantive law is the result of historical accidents, which gave rise to specific formulas, a particularistic method of legislation, and the spinning of tenuous, complicated technicalities from the plethora of case material, which arose in the last two centuries” (p. 56); and that “hardly ever has penal legislation been based upon a thorough analysis of the problems involved. Practically nothing has been done to systematize the substantive criminal law,” (p. 67.)

The author has, in effect, attempted to arrive at such a systematization of one segment of the law, and his method and the data he has used makes his work in a large degree a demonstration of one type of study envisaged by the committee to which reference has been made, and necessary to the rational reform of the criminal law. At the same time his work must appear somewhat unorthodox to the legal scholar of yesterday. Mr. Hall has brought to his aid in the analysis of the law of theft a battery of knowledge rarely applied to the study of legal problems. Since he looks upon crime as “in good part a reflection of the total life of the community, its organization, industry, and commerce, its laws and administration, its mores and ideals” (p. 287), he studies “theft” not alone by way of the legal approach, but as a social problem. In the detailed analyses of the offenses of “receiving stolen goods,” “automobile theft,” and “petit larceny,” he finds opportunity to make skilful use of criminal statistics and researches on crime causation, as well as of socio-psychological knowledge—all of importance in arriving at a clearer definition of these crimes and their sanctions. These analyses occupy the latter half of the book and are preceded by a history of the Anglo-American law of theft, and a chapter on the function of technicality and discretion in law enforcement. The discussion of “benefit of clergy” and the growth of fictions to circumvent the severity of legislators is enlightening and interesting, and the parallels which are drawn between 18th century England and 20th century United States prove the value of historical perspective in the study of present-day problems.

Mr. Hall is inclined to stress the importance of economic conditions as influencing changes in the law, the character of offenses, the technique of criminals and the trends in crime. He recognizes that a realistic law must be founded on popular

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